

PROB 12A  
(7/93)**UNITED STATES DISTRICT COURT**

for

**WESTERN DISTRICT OF TEXAS****Report on Offender Under Supervision**Name of Offender: Esequiel Pena Hernandez Case Number: 7:12CR00010-001Name of Sentencing Judicial Officer: Honorable David Counts, United States District JudgeDate of Original Sentence: January 4, 2024Original Offense: Misprision of Felony, in violation of 18 U.S.C. § 4Original Sentence: Time served; 1-year supervised releaseType of Supervision: Supervised Release Date Supervision Commenced: January 4, 2024**PREVIOUS COURT ACTION**

On March 7, 2024, the defendant's conditions of supervised release were modified to include the substance abuse treatment condition, prohibiting the use and possession of alcohol and controlled substances, and prohibiting tampering of testing methods due to his history of drug use and to better assist in his supervision.

On April 16, 2024, the defendant's conditions of supervised release were modified to include the Location Monitoring Program with Active Global Positioning Satellite tracking condition until the expiration of his supervised release due to traveling to Mexico without permission.

**NONCOMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p>"The defendant shall refrain from the unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant."</p> <p>On April 4, 2024, Esequiel Hernandez, presented for a sweat patch, which tested positive for cocaine. (Confirmed)</p>

**Cause**

U.S. Probation Officer Action: It is respectfully recommended that no action be taken. The U.S. Probation Office requests to continue to work with Hernandez on supervision. Hernandez has been referred to outpatient substance abuse treatment at Celmar Counseling in Odessa, Texas and random urinalysis testing through the COMPLY system are being collected regularly. Hernandez recently obtained his driver's license, is actively seeking employment and is currently participating in the Location Monitoring Program with Active Global Positioning System. Upon the Court's approval Rios will be informed that any future violations will be reported to the Court and could result in adverse action.

Approved:



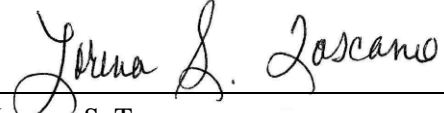
Tremane Peel

Supervising U.S. Probation Officer

Telephone: (432) 685-0327

lst

Respectfully submitted,



Lorena S. Toscano

United States Probation Officer

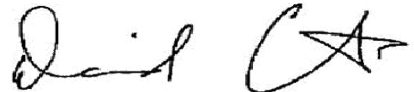
Telephone: (432) 685-0307

Date: June 13, 2024

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*No Response is necessary unless the court directs that additional action be taken as follows:*

- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other \_\_\_\_\_



Honorable David Counts  
U.S. District Judge

June 13, 2024

Date